

**Notice of Allowability**

Application No.

10/807,929

Examiner

Andrea M. Valenti

Applicant(s)

HAYDEN, LISA RENEE

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 27 February 2006.
2. ☒ The allowed claim(s) is/are 6-20.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **EXAMINER'S AMENDMENT**

An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on 28 February 2006, David R. Metzger requested an extension of time for one MONTH(S) and authorized the Director to charge Deposit Account No.19-3140 the required fee of \$285 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David R. Metzger on 28 February 2006.

The application has been amended as follows:

**Claim 3 was cancelled**

**Claim 4 was cancelled**

**Claim 5 was cancelled**

**Claim 7, line 1**, "wherein the inside" was changed to --wherein inside--

**Claim 12, line 1**, "according to claim 5" was changed to --according to claim 20--

**Claim 13, line 3**, "associated with the carousel" was changed to --associated with each carousel--

**Claim 13, line 4**, "window is position positioned towards" was changed to --window was positioned towards--

**Claim 13, line 7**, "at least on viewing" was changed to --at least one viewing--

**Claim 16, line 2**, "viewable through the" was changed to --viewable through a--

**Claim 20, line 11**, "to contain floral arrangement" was changed to --to contain floral arrangements--

**Claim 20, line 13**, "a generally cylindrical exterior housing" was changed to --a generally cylindrical enclosed exterior housing--

**Claim 20, line 15**, "made up of" was changed to --formed from--

**Claim 20, the following was inserted between lines 21 and 22,**

--at least one carousel includes a rotary shelf,

the at least one shelf is perforated to allow air to flow through the shelf into adjacent modules,

the exterior housing further includes a transparent dome mounted over the upper most carousel for creating a sufficiently warm environment for housing tropical plants and for allowing light to filter down through the modules,--

## **DRAWINGS**

The following changes to the drawings have been approved by the examiner and agreed upon by applicant: element #23 should point to the floral arrangements in Fig. 3.

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In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

***Allowable Subject Matter***

Claims 6-20 are allowed.

The following is an examiner's statement of reasons for allowance:

Cited references U.S. Patent No. 1,242,235; U.S. Patent No. 6,990,828; U.S. Patent No. 1,393,050; U.S. Patent No. 6,123,223; U.S. Patent No. 986,875; U.S. Patent No. 2,875,878; U.S. Patent No. 4,927,051; U.S. Patent No. 6,131,399; U.S. Patent No. 3,031,055; U.S. Patent No. 1,474,847; U.S. Patent No. 4,317,604; U.S. Patent No. 4,498,603; U.S. Patent No. 3,146,043; Japanese Patent JP 2002140773; French Patent FR 2588107A1; French Patent FR 2246210A; French Patent FR 2839177A teach circular, in plan view, stacked compartmentalized carousels within a vending machine housing for vending floral arrangements or refrigerators containing modular units that can rotate about a vertical axis. The cited references also teach windows and doors in the housing of the vending machine.

The prior art of record all fails to show, and fails to make obvious, either alone and/or in combination a floral vending machine comprising a stack of at least two generally cylindrical modules each of which has an exterior wall, the modules being *interchangeably stackable* to different configurations to form differently-sized machines each generally cylindrical module containing at least one carousel there within, each

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module having an access door via which controlled access to a compartment of a carousel contained within the module can be had, the modules configured to contain floral arrangements in a suitably sealed manner to prevent unauthorized access to a carousel compartment, a generally cylindrical enclosed exterior housing formed from the exteriors of the stacked generally cylindrical modules, and at least one carousel includes a rotary shelf, the at least one shelf is *perforated to allow air to flow through the shelf into adjacent modules*, the exterior housing further includes a *transparent dome mounted over the upper most carousel for creating a sufficiently warm environment for housing tropical plants and for allowing light to filter down through the modules*, each carousel is configured to rotate relative to its module.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 1,242,235 and U.S. Patent No. 6,990,828.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea M. Valenti whose telephone number is 571-272-6895. The examiner can normally be reached on 7:00am-5:30pm M-Th.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 571-272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Andrea M. Valenti  
Patent Examiner  
Art Unit 3643

28 February 2006